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GOVERNMENT GAZETTE

BOLETIM OFICIAL

SUPPLEMENT

(SUPLEMENTO)

GOVERNMENT OF GOA, DAMAN AND DIU

Secretariat

Finance Department

Notification

FS/F.III/2-41/774/64/65

In exercise of the powers conferred by section 14(1) of the Goa, Daman and Diu Entertainment Tax Act, 1964, the Government hereby makes the following rules.

The Goa, Daman and Diu Entertainment Tax Rules, 1965

Preliminary

1. **Short title.** — These rules may be called the Goa, Daman and Diu Entertainment Tax Rules, 1965.

2. **Definitions.** — In these rules —

(i) «Act» means the Goa, Daman and Diu Entertainment Tax Act, 1964.

(ii) «Prescribed Officer» means the person or authority to whom any powers are delegated under section (10) of the Act.

(iii) «Stamp» means an Entertainment Duty Stamp issued by the Government of Goa, Daman and Diu under sub-section (1) of section (4) of the Act.

(iv) «Section» means section of the Act.

Payment of tax by stamps

3. **Supply of stamps and keeping of accounts.** — The rules regarding the supply and keeping of accounts of non-judicial and Court fee stamps in

respect of this Union Territory of Goa, Daman and Diu shall apply mutatis mutandis to the supply and keeping of accounts of the entertainment stamps.

4. **Purchase of stamps.** — No person shall purchase any stamp required for the purposes of the Act except from the prescribed officer:

Provided that —

(i) nothing in this rule shall apply to any person purchasing such a stamp affixed to a ticket for the purpose of admission to an entertainment, and

(ii) where the proprietor of an entertainment changes hands, it shall be lawful for the new proprietor, after giving due notice to the prescribed officer to purchase from the former proprietor the stock of unused stamp in the latter's possession.

5. **Issue of stamps.** — No stamp issued for the purposes of this Act shall be issued to any person by or on behalf of the proprietor of any entertainment otherwise than securely affixed to a ticket issued for the purpose of authorising admission to an entertainment.

6. **Refund of value of unused stamps.** — The proprietor of an entertainment on an application made to the Commissioner within three months from the date of purchase of stamps, may claim refund of the value of the unused stamps tendered with the application, subject to a deduction of six naye paise for each rupee or portion of a rupee of such value.

7. **Renewal of damaged or spoiled stamps.** — Where any stamps purchased for use under the Act have been damaged or spoiled, the purchaser may apply in

writing to the Commissioner who on being satisfied that they have not been wilfully damaged or spoiled may give in lieu thereof —

- (a) other stamps of the same denomination and value, or
- (b) stamps of any other denomination to the same value, or
- (c) at his discretion, the same value in money, deducting six naye paise, for each rupee or fraction of a rupee of such value.

8. Procedure for the refund of value of unused stamps or renewal of damaged or spoiled stamps. —

(1) An application for refund under Rule 6 or for renewal under Rule 7 shall be chargeable with a Court fee of Rs. 1-25.

(2) Applications for grant of refund or renewal of stamps shall be made personally or through an agent appointed by a duly attested power-of-attorney to the Commissioner and shall furnish the following information: —

- (a) Full name, surname (if any) and residence of applicant; and the name of the firm, if any, on whose behalf application is made.
- (b) Description and the number of stamps with respective value.
- (c) Total value of the stamps.
- (d) Date of purchase of stamps.
- (e) The place and the authority from whom the stamps were purchased.
- (f) Manner in which the stamps were spoiled or rendered unfit for use.
- (g) Whether the application is for refund or renewal.
- (h) Date of application.

(3) After the receipt of the application the clerk concerned shall examine the same in order to see that —

- (a) It contains the requisite information.
- (b) The stamps tendered are genuine.

After carefully examining the grounds of the application and all relevant papers, the clerk shall record a note whether he considers the claim to be admissible or not and shall submit the same to the officer concerned who after the necessary check will submit the same with his report to the Commissioner for his decision.

A proper register shall be maintained in the office of the Commissioner in respect of refund of value of unused stamps and renewal of damaged or spoiled stamps, in Form «I».

9. Price of admission, date and show to be shown on, and stamp affixed to, ticket. — Except as provided in rules 17 and 26, every ticket issued on payment for admission to entertainment shall consist of three parts. One part shall remain on the ticket book and the remaining two parts shall be detached therefrom and issued to the purchaser.

Each part of the ticket shall be clearly marked with: —

- (a) the price of admission, the stamp duty if leviable thereon, and the total amount recoverable from the purchaser.
- (b) the date and show for which it is available.
- (c) the book number and the serial number of the ticket.

The taxable ticket shall also have a stamp of the value of the tax payable securely affixed to it in the manner provided in rule 13.

10. Plural tickets. — (1) Every taxable ticket, not being a complimentary ticket, issued for the purpose of admitting more than one person to an entertainment shall have clearly shown thereon the number of persons to be admitted and the date and show for which it is available and shall have affixed to it a stamp or stamps equal in value to the total tax that would have been payable on tickets for admitting each such person separately.

(2) The stamp or stamps to be affixed to a ticket entitling the purchaser to the exclusive use of a box or similar accommodation shall be of the value of the tax that would be payable upon a ticket of the same price admitting one person to the entertainment.

11. Transfer of Seat. — When the purchaser of any ticket admitting him to one part of an entertainment wishes to transfer to another part of the entertainment for which the price of admission is higher and taxable, the proprietor shall issue him a second ticket stamped with a stamp of the value of the difference between the tax leviable on the second ticket and that leviable on the first. In case no tax was levied on the first ticket on account of the price of admission of the same ticket being not subject to tax, it will be calculated on the total amount of the price of admission recovered from the purchaser of both the tickets and the same tax will be paid by affixing on the second ticket the stamps corresponding to the full value of tax due. The purchaser shall retain the portion of the first ticket returned to him under sub-rule 2 of rule 13.

12. Season tickets. — Every season ticket, or ticket available for more than one entertainment, shall have marked thereon the name of the purchaser and the period for which it is available and the stamp to be affixed to such ticket shall be of the value of the tax that would be payable upon a ticket of the same price admitting the purchaser to one entertainment.

13. Defacement and destruction of stamps and disposal of parts of ticket. — (1) The two parts of the ticket detached under rule 9 shall be so detached that the stamp is defaced thereby in such a way that the portion of the stamp which bears the words «Goa, Daman and Diu» shall remain on the ticket book, and the remaining portion of the stamp shall remain on one of the parts of the ticket issued to the purchaser.

(2) On admission of the purchaser or holder of a ticket, the proprietor shall cause one part of the ticket, issued for admission to the entertainment (not being a season ticket or a ticket available for more than one entertainment), to be collected, and the other part bearing one half of the stamp to be returned to the purchaser.

(3) The purchaser or holder of a ticket shall retain his part of the ticket until he leaves the place of entertainment; and the proprietor shall retain the other part until 3 p.m., of the day following the day of the entertainment.

(4) The proprietor shall submit the counterfoils with the portion of the stamp bearing the words «Goa, Daman and Diu» within ten days after the

date of the entertainment along with the returns to be submitted under rule 15, in the office of the prescribed officer for checking and destruction by that officer thereafter.

14. Torn, etc. stamps.— Save as otherwise provided in these rules, no ticket bearing a stamp that has been torn, defaced or otherwise marked or mutilated shall be issued by the proprietor of an entertainment; and the proprietor shall, within ten days after the date of the entertainment, submit all such tickets along with counterfoils, submitted under sub-rule (4) of rule 13 to the prescribed officer.

15. Return of stamps.— Every proprietor of an entertainment shall, within ten days of the date of an entertainment, submit to the prescribed officer a return in Form «A» showing the number of stamps purchased and issued by him.

Payment of tax otherwise than by Stamp

16. Security.— (1) Every proprietor allowed to avail himself of the provisions of sub-section (2) of section 4 of the Act shall furnish such security to the prescribed officer as that officer may require.

(2) If a proprietor fails to submit any returns as required by rule 18 or rule 24 or to pay within ten days after the date of the entertainment, or such extended period not exceeding one month as the prescribed officer may allow, the entertainment tax under rule 21, the prescribed officer may, after giving the proprietor a week's notice, direct that the security shall be forfeited to the Government:

Provided that nothing in this rule shall affect the liability of the proprietor for the payment of the full entertainment tax.

(3) The proprietor may, within fifteen days of the date of the order of the prescribed officer forfeiting his security under this rule, appeal to the Commissioner concerned.

17. Unstamped tickets issued under section 4(2)(a) & (b).— (1) Every ticket, not being a complimentary ticket, issued by a proprietor who has been allowed to pay the tax under the provisions of clause (a) or clause (b) of sub-section (2) of section 4, shall consist of three parts. One part shall remain on the ticket book and the remaining two parts shall be detached therefrom and issued to the purchaser; and shall bear on each part of such ticket the price of admission, the amount of tax payable if any, and the total amount recoverable from the purchaser, the book number and the serial number of the ticket, the date on which and the show for which it is issued.

(2) On admission of the holder of the ticket the proprietor shall cause to be collected one of the two parts of the ticket and the other part to be returned to him.

(3) The holder of the ticket shall retain his part till he leaves the place of entertainment and the part retained by the proprietor shall be retained by him till the entertainment is over.

18. Returns required under section 4(2)(a) and (b).— Every proprietor making a consolidated payment under clause (a) of sub-section (2) of section 4 or making payment in accordance with return of the payments for admission under clause (b) of the said sub-section (2) of section 4, shall, within ten

days of the date of entertainment, submit to the prescribed officer in his office a return in Form 'B' showing the number of tickets (not being complimentary tickets) issued at each rate, the serial number of tickets issued, the gross amount received from the sale of tickets, and the amount of tax payable to the Government. He shall, if so required by the prescribed officer, also submit to the said officer, within ten days of the date of entertainment, a return in Form 'C' showing the price of programme or synopsis including tax, the number of programmes or synopsis issued, the gross amount received from the sale thereof and the amount of tax payable to the Government.

19. Return required under section 4(2)(c).— When a proprietor is permitted to avail himself of the provisions of clause (c) of sub-section (2) of section 4, he shall submit to the prescribed officer, within ten days of the date of entertainment, a return in Form 'D' showing the number of persons admitted through the mechanical contrivance, the gross amount paid for admission by such persons and the amount of tax payable to the Government.

20. Admission by mechanical contrivance, notice.— Subject to the provisions of sub-section (1) of section 4, no person shall in any circumstances be admitted through an mechanical contrivance save on payment of the price of admission. Such price shall be shown in a conspicuous position on or near the mechanical contrivance.

21. Payments under section 4(2).— All payments made in accordance with the provisions of sub-section (2) of section 4 of the Act, shall be made to the prescribed officer within ten days of the date of the entertainment at such time and place and in such manner as he shall require.

22. Payment of tax on programmes or synopsis.— Where payment for a programme or synopsis is compulsory, the tax shall be levied on the total sum paid for admission to the entertainment including the sum paid for the programme or synopsis. Where payment for a programme or synopsis is voluntary, the tax shall be levied separately on the sum paid for admission and on the sum paid for the programme or synopsis.

Miscellaneous

23. Provision as to persons admitted to the entertainment.— Every proprietor of an entertainment admitting a person free of payment or on payment of a reduced sum shall issue to such person a ticket showing clearly thereon the full charge for admission to the class to which the person is admitted. The tax shall be paid on such ticket in the same manner as if it were a ticket issued on payment of the full charge and the person admitted shall for the purposes of these rules be deemed to be the purchaser of the ticket.

Provided that when a child not exceeding five years in age is admitted free of payment, he shall be exempted from the payment of the tax.

24. Returns of complimentary tickets.— Every proprietor who is allowed to avail himself of the provisions of sub-section (2) of section 4 of the Act and who issues complimentary tickets shall submit to the prescribed officer in his office, within ten days of the date of the performance of the

entertainment, a return of such tickets in Form «E» showing the rate of each class, the number of complimentary tickets issued for each class, the serial numbers of tickets issued and the amount of tax payable to the Government.

25. **Exemptions under section 5(1).**— Any person claiming exemption, under sub-section (1) of section 5 from payment of the entertainment tax shall present an application for such exemption to the Commissioner ten clear days before the date of the entertainment. An application for exemption not presented before such period may, unless sufficient cause is shown for not making the application before ten days as aforesaid, be rejected.

26. **Form of exemption under section 5(1).**— Where exemption is given under clause (a), (b) or (c) of sub-section (1) of section 5 the Commissioner shall issue to the proprietor of the entertainment a certificate in Form «F» or, as the case may be, in Form «G» and the proprietor shall comply with the conditions stated therein.

27. **Classes of cinema films qualified for exemption under section 5(3).**— A cinema film which has been awarded the President's Gold Medal, or which the Government on a recommendation made by the Advisory Committee appointed by the Government for the purpose, considers as fulfilling an educational or social purpose of a high order, shall be qualified for exemption under section 5 (3).

28. **Applications for exemption under section 5(3).**— All applications for exemption under sub-section (3) of section 5 of the Act shall be made to the Government and entered in the office of the Commissioner not later than ten days before the date of the entertainment. An application for exemption not presented before such period may, unless sufficient cause shown for not making the application before ten days as aforesaid, be rejected.

29. **Indian soldiers (including airmen) & sailors in uniform.**— (1) In the case of entertainments given by naval, military and air forces and other armed forces of the Union, the price of tickets sold to the Indian soldiers (including airmen) and sailors in uniform shall be the price of admission only, exclusive of tax.

(2) Such tickets shall be special unstamped tickets marked with the price of admission only and shall be issued through a service authority not below the rank of a commissioned officer and the proprietor shall submit to the prescribed officer a weekly return of such tickets in Form «H».

(3) Where a mechanical contrivance under clause (c) of sub-section (2) of section 4 is used, soldiers (including airmen) and sailors shall be admitted by another entrance.

30. **Exemption under section 5(2) of the Act.**— (1) Soldiers, sailors and other members of the Defence Forces of India in uniform shall be exempted from entertainment tax:

- (a) when they visit a military cinema, — full exemption;
- (b) when they visit any other cinema —
 - (i) full exemption, where the payment for admission thereto does not exceed Rs. 2/-.

- (ii) exemption to the extent of 50 per cent of the entertainment tax, where the payment for admission exceeds Rs. 2/-.

(2) Tickets issued to the members of the Defence Forces of India in uniform, in the case of a cinema referred to in clause (b) of sub-rule (1) shall be special tickets in three parts and shall have shown upon each part the price of admission, the amount of tax payable, if any, and the total amount recoverable from the purchaser.

(3) Subject to the provisions of sub-rule (2), the provisions of rules 9 and 17 shall, so far as may be, apply to tickets issued under this rule.

Explanation.— A military cinema means a cinema which has been opened by the military or by military contractors or other persons at the request of the military for the use of the Defence Forces of India.

31. **Stamped complimentary tickets.**— Every complimentary ticket issued by a proprietor of an entertainment, paying the amount of tax due, in the manner specified in sub-section (1) of section 4 of the Act, shall have shown thereon the price of admission which corresponds to the class to which the holder is to be admitted, the date and show for which it is available and shall have securely affixed to it a stamp of the value of the tax payable under section 3 and the provisions of rules 9 and 13 shall, as far as may be, apply to such tickets.

32. **Unstamped complimentary tickets.**— Every complimentary ticket issued by a proprietor of an entertainment, who has been permitted to avail himself of the provisions of sub-section (2) of section 4 of the Act, shall have shown thereon the Book No. and Serial No. of the ticket, the price of admission which corresponds to the class to which the holder is to be admitted, the tax payable under section 3 and the date and show for which the ticket is available and the provision of rule 17 shall, as far as may be, apply to such tickets.

33. **Admission against complimentary tickets.**— Not more than one person shall be admitted against each complimentary ticket issued by a proprietor of an entertainment.

34. **Production of tickets.**— A person who has been admitted to an entertainment shall, upon demand made during the course of, or immediately before or after, the entertainment, produce to any officer authorised under section 10 of the Act the ticket, badge, card of membership, voucher or documents by means of which he was admitted, or a portion of the ticket by means of which he was admitted, or the cover of the book or the principal part of the sheet from which the ticket, by means of which he was admitted, was taken.

35. **Transfer to different parts of place of entertainment.**— Any reference in these rules to admission to a place of entertainment or to a person admitted to a place of entertainment shall, so far as may be, be deemed to include a reference to the admission to another part of the place of entertainment for admission to which part a payment involving tax or more tax is required of a person who has been admitted to one part of that place.

of entertainment and to such a person admitted to such another part of the place of entertainment and these rules shall have effect accordingly.

36. Power to enter place of entertainment. — (1) The Commissioner, or the prescribed officer and any other officer duly authorised by the Commissioner or by the prescribed officer, in this behalf, may enter any place of entertainment while the entertainment is proceeding and any place ordinarily used as a place of entertainment, at any reasonable time, with a view to see whether the provisions of the Act or these rules are being complied with. Every such officer authorised by the Commissioner or by the prescribed officer shall have in his possession a permit signed by the Commissioner or the prescribed officer authorising him in this behalf.

(2) An Entertainment Tax Officer not below the rank of Tax Inspector will be authorised to lodge complaint to the Court for any irregularity noticed in any place of entertainment.

37. Inspection of books, issue of passes, etc. — The Commissioner or the prescribed officer may require the proprietor of an entertainment to produce for

inspection all his books and records and all tickets or portion of tickets in his possession relating to the entertainment and to issue passes in favour of persons who have to perform any duty in connection with the entertainment or any other duty imposed upon them by law whenever an occasion arises.

38. Communication of the date of entertainment. — The proprietor of any entertainment for which admission is to be made on payment, shall intimate to the prescribed officer at least one day before the date marked for its performance the name and nature of the entertainment, the place where, and the date and time when, the same entertainment is to take place. For this purpose the proprietor shall file the necessary declaration in the office of the prescribed officer.

The declaration above referred may be dispensed with, in respect of entertainment which are ordinarily performed in a fixed place.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. S. Srinivasagopalan, Dy. Secretary (Finance).
Panjim, 11th June, 1965.

FORM «A»

(See rule 15)

Name of proprietor: ...

Return of stamps of an entertainment

Denomination of stamps	Opening balance	Date of purchase of fresh stamps	Number purchased	Total of No. 2 and No. 4	Number used on tickets other than complimentary tickets	Number used on complimentary tickets	Total of No. 6 and No. 7	Closing balance (5 minus 8)	Serial numbers of tickets sold		Remarks
									From	To	
1	2	3	4	5	6	7	8	9	10	11	12

Date ...

Signature of the Proprietor ...

FORM «B»

(See rule 18)

Statement of tickets not being complimentary tickets issued when duty is payable under clause (a) or (b) of sub-section (2) of section 4

Name and place of entertainment: ...

Date of performance: ...

Number and time of show	Price of tickets including duty	Number of tickets issued subject to tax	Serial numbers of tickets issued		Gross receipts	Amount of tax payable to Government	Remarks
			From	To			
					Rs.	Rs.	

Date ...

Signature of the Proprietor ...

FORM «C»

(See rule 18)

Statement of programmes or synopsis issued when tax is payable under clause (a) or (b) of sub-section (2) of section 4

Name and place of entertainment: ...

Date of performance: ...

Number and time of show	Price of programme or synopsis including tax	Number issued of programmes or synopsis subject to tax the purchase whereof is		Gross receipts	Amount of duty payable to Government	Remarks
		Compulsory	Voluntary			
				Rs.	Rs.	

Date ...

Signature of the Proprietor ...

FORM «D»

(See rule 19)

Return of persons admitted through mechanical contrivance

Name and place of entertainment: ...

Date of performance: ...

Price of admission	Number of persons admitted	Gross receipts	Amount of tax payable to Government	Remarks
		Rs.	Rs.	

Date ...

Signature of the Proprietor ...

(See rule 24)

Name and place of entertainment: ...

Date of performance: ...

Date ...

Signature of the Proprietor ...

(See rule 26)

This is to certify that the Commissioner of Entertainments authorises the entertainment specified below to be given **FREE OF ENTERTAINMENTS TAX** provided that the whole of the takings are devoted to philanthropic or charitable purposes:—

Description: —

Date: —

Place: —

This certificate is issued on the following conditions:—

(1) The whole of the takings of the entertainment without any deduction for expenses, however, small, is to be paid over to...

(2) If the Commissioner of Entertainments so requires, a full and true account of the whole of the takings, together with a written acknowledgement from the Society, Institution or Fund specified under condition (1) is furnished to them by the persons responsible for the management of the entertainment, within one month after the date of the entertainment, and those persons will be liable for the payment of the proper tax if the Commissioner of Entertainments is not satisfied that the whole of the takings, without any deduction for expenses, have in fact been paid over to the Society, Institution or Fund referred to.

(3) This certificate shall not be used for any other entertainment than that specified above, and it shall be exhibited in a prominent position at the public entrance to the place of entertainment at the time the public are admitted and during the entertainment. No correction or erasure of any kind shall be made in the certificate.

(4) If the entertainment is not given on the date or at the place specified above, the persons responsible for the management of the entertainment shall give notice in writing to that effect within one week after the date fixed for holding it.

(Signed)

Commissioner of Entertainments

Note—Failure to comply with any of the conditions set out in this certificate involves liability of fine which may extend to five hundred rupees.

(See rule 26)

Form of Certificate prescribed under rule 26 for exemption under clause (b) or (c) of sub-section (1) of section 5

This is to certify that the Commissioner of Entertainments authorises the entertainment specified below to be given FREE OF ENTERTAINMENT TAX under *clause (b) of sub-section (1) of section 5 of the Act. *clause (c)

Description: —

Date: —

Place: —

This certificate is issued on the following conditions: _____

(1) This certificate shall not be used for any other entertainment than that specified above, and it shall be exhibited in a prominent position at the public entrance to the place of entertainment at the time the public are admitted and during the entertainment. No correction or erasure of any kind shall be made in the certificate.

(2) If the entertainment is not given on the date or at the place specified above, the persons responsible for the management of the entertainment shall give notice in writing to that effect within a week after the date fixed for holding it.

(Signed) ...

Commissioner of Entertainments

*Strike out which is not applicable.

(See sub-rule (2) of rule 29)

Return of tickets sold under rule 29 to Indian soldiers
(including airmen) and sailors in uniform

Name and place of entertainment: ... Week ending:...

Rates of tickets sold	Number of tickets sold at each rate	Remarks
1	2	3

Date ...

Signature of the Proprietor ...

(See rule 8)

Register of refund and renewals of damaged or spoiled entertainment stamps

[illegible]